

Message Text

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73

ACTION L-03

INFO OCT-01 EUR-25 IO-13 ADP-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-15 AF-10 ARA-16 EA-11 NEA-10 COA-02 EB-11 OIC-04

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

EPA-04 RSR-01 /251 W

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TO SECSTATE WASHDC 622

INFO AMEMBASSY OTTAWA

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UNCLAS GENEVA 3779

E.O. 11652 N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE: WORKING GROUP 2 OF SUB-
COMMITTEE III-MARINE POLLUTION-MEETING OF JULY 17TH

SUMMARY: DEBATE CENTERED ON SOURCE OF STANDARDS FOR VESSEL
SOURCE POLLUTION, 5TH DRAFT OF IMCO POLLUTION CONVENTION, AND
UNITED STATES M.E.P.C. PROPOSAL.

1. NORWAY SUPPORTED INTERNATIONAL STANDARDS TO COVER VESSEL
SOURCE POLLUTION. SBC SHOULD DRAW UP VERY PRECISE RULES
GOVERNING THE RIGHTS OF COASTAL STATES WHILE PRESERVING THE
RIGHT OF NAVIGATION. THEY SAW NEED FOR NEW RULES FOR ENFORCE-
MENT ALTHOUGH RELIANCE SHOULD BE MAINLY ON THE FLAG STATE. THE
COASTAL STATE MIGHT HAVE AN INSPECTION FUNCTION, POSSIBLY WITHIN
ECONOMIC ZONE.

2. GREECE SUPPORTED INTERNATIONAL STANDARDS AND STRESSED THAT
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THE COASTAL STATE COULD NOT HAVE ANY MORE RIGHTS THAN ARE CON-

TAINED IN ART 8 OF THE IMCO 5TH DRAFT.

3. CANADA WILL BE SUBMITTING AN ADDENDUM TO ITS WORKING PAPER WHICH WILL CONTAIN AMENDMENTS TO ARTICLES 4, 5, 6 AND 8 TO THE 5TH IMCO DRAFT. THESE AMENDMENTS HAVE BEEN SUBMITTED TO IMCO. THEY REITERATED POINT THAT THE IMCO CONVENTION MUST NOT PREJUDICE LOS. THEY WONDERED IF THE MEPC WAS GRAFTED ON TO IMCO WHETHER THE NAVIGATION INTERESTS WOULD NOT STILL PREDOMINATE. THE PROPOSED NEW ROLE FOR IMCO WAS NOT FOR IMCO ALONE TO DECIDE. IT IS ALSO OF INTEREST TO THE SBC, UNEP, AND OTHER UN ORGANS.

4. KENYA STATED THAT THE ADDIS ABABA DECLARATION WAS THEIR POSITION ON MARINE POLLUTION AND THAT THE AFRICANS WILL FIND IT DIFFICULT TO DEVIATE FROM THAT POSITION DURING THE CURRENT NEGOTIATIONS. THE AFRICAN GROUP IS WORKING ON ARTICLES TO TRANSFORM THIS DECLARATION INTO DRAFT ARTICLES. THEY EXPECT TO COMMENT ON THE TRAIN SPEECH IN SUBCOMMITTEE III AT A LATER DATE. THE LDC'S MAY HAVE TO PROBABLY ADOPT HIGHER STANDARDS ON POLLUTION AND THEY ARE NOT TRYING TO OBTAIN LOWER STANDARDS.

5. THE U.S. REPEATED THE REASONS FOR ITS PROPOSAL ON THE SOURCE OF STANDARDS REGARDING MARINE POLLUTION FROM VESSELS AND EXPLORATION AND EXPLOITATION ACTIVITIES AND ARGUED AGAINST A RESIDUAL RIGHT IN THE COASTAL STATE WITH RESPECT TO VESSEL POLLUTION STANDARDS. THE IMCO PROPOSAL OF THE U.S. DOES NOT PREJUDICE THE JURISDICTION OF THE SBC. THE U.S. PROPOSAL BROADENS DECISION BASE IN IMCO. THE ALTERNATIVE TO STRENGTHENED IMCO IS UNILATERAL COASTAL STATE COMPETENCE WHICH EXCLUDES OTHERS FROM THE DECISION MAKING PROCESS IN AREAS WHICH AFFECT THEM.

6. SPANISH REP COMMENTED THAT THE U.S. STATEMENTS HAVE OMITTED REFERENCE TO THE COASTAL STATE'S COMPETENCE IN ITS OWN TERRITORIAL SEA. THIS HE SAW, IN ADDITION, AS ONE OF THE DEFECTS OF THE IMCO DRAFT. SPAIN HAS AN AMENDMENT TO ARTICLE 6 OF THE IMCO DRAFT CONCERNING THE COASTAL STATE INSPECTION FUNCTION IN ITS TERRITORIAL SEA. WITHOUT BEING SPECIFIC REP SAID HE AGREED WITH MANY VIEWS OF U.S.

7. CANADA SAID THAT ALTERNATIVE TO IMCO IS NOT UNILATERAL ROLE
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FOR THE COASTAL STATE (ALTHOUGH HE CONCEDED THAT THEY WANT RESIDUAL COASTAL STATE COMPETENCE). HE ASSOCIATED HIMSELF WITH SPANISH COMMENTS ON TERRITORIAL SEA.

8. US REP NOTED THAT COASTAL STATE MAY ENFORCE STANDARDS IN ITS TERRITORIAL SEA UNDER EXISTING LAW. HE REITERATED ARGUMENTS IN FAVOR OF EXCLUSIVELY INTERNATIONAL STANDARDS AND CONVERSELY AGAINST A

RESIDUAL RIGHT IN THE COASTAL STATE.

9. NORWAY SAID THAT THERE WAS NOTHING INCOMPATIBLE BETWEEN THE IMCO AND LOS ENDEAVORS. NORWAY SUPPORTED ENFORCEMENT BY THE COASTAL STATE IN THE TERRITORIAL SEA IN THE IMCO FORUM.

10. TRINIDAD AND TOBAGO SAID THAT THEY WOULD RESIST STANDARDS FOR LAND-BASED POLLUTION WHICH WOULD IMPEDE DEVELOPMENT. THEY SUPPORT THE HIGHEST POSSIBLE STANDARDS FOR MARINE BASED SOURCES OF POLLUTION. THEY WILL PROBABLY INTRODUCE A PAPER ON COMPULSORY INSURANCE IN THE FUTURE. THEY NOTED THAT MOST OF THEIR POLLUTION IS MARINE BASED.

11. JAPAN STATED THAT A REASONABLE BALANCE BETWEEN MARITIME AND ENVIRONMENTAL INTERESTS COULD BE STRUCK. IMCO IS NOT EXCLUSIVELY A DEVELOPED COUNTRY CLUB--STATES ARE FREE TO JOIN. THE IMCO TREATY DOES NOT PREEMPT LOS.

12. UK SUPPORTED TRAIN PROPOSAL WHICH WAS DESIGNED TO ALLOW ALL IMCO MEMBERS TO TAKE PART IN THE DEVELOPMENT OF REGULATIONS TO PREVENT POLLUTION FROM SHIPS. IT WAS ALSO A USEFUL PROPOSAL FOR AMENDING CERTAIN CONVENTIONS.

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